

DOCKET NO. 1159.1004-005

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: Steven A. Bogen and Herbert H. Loeffler  
Application No.: 09/702,298  
Filed: October 31, 2000  
Confirmation No.: 2668  
For: AUTOMATED SLIDE STAINER WITH SLIDE HOUSING (AMENDED)

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The owner, CytoLogix Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,673,620. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney or agent of record.

11/11/4  
Date

  
James M. Smith  
Registration No. 28,043  
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Nov-11-04 04:16pm From:HBS&R  
@FEDREGV:ODMA/INCOMMA/INBSMUT, (page 211772.2)  
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November 11, 2004

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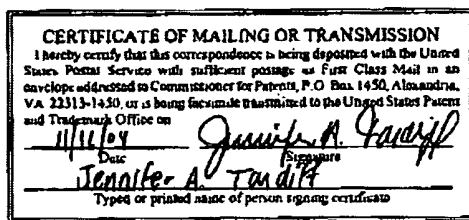
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DOCKET NO. 1159.1004-005  
Expedited Procedure under 37 C.F.R. 1.116  
Examining Group 1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven A. Bogen and Herbert H. Loeffler  
Application No.: 09/702,298 Group: 1743  
Filed: October 31, 2000 Examiner: Lyle Alexander  
Confirmation No.: 3668  
For: AUTOMATED SLIDE STAINER WITH SLIDE HOUSING (AMENDED)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response After Final Rejection for filing in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- ☐ A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL 1)		(COL 2)		(COL 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	16	MINUS	20	0
INDEP	2	MINUS	3	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

\* not fewer than 20  
\*\* not fewer than 3

SMALL ENTITY	
RATE	ADDIT. FEE
X \$9	\$
X \$44	\$
+ \$150	\$

TOTAL = \$ 0

OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE
X \$18	\$
X \$88	\$
+ \$300	\$

TOTAL = \$ 0

09/702,298

-2-

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	
<input type="checkbox"/>	Amendment Fee	\$	
<input checked="" type="checkbox"/>	Other Fees:		
	Terminal Disclaimer	\$	110
		\$	
	TOTAL:	\$	110

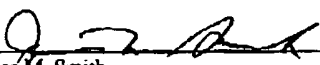
A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	
<input type="checkbox"/>	Amendment Fee	\$	
<input type="checkbox"/>	Other Fees:		
		\$	
		\$	
	TOTAL:	\$	0

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application.

Respectfully submitted,

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By   
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Dated: 11/11/04